

09.6.2023

Sl. No.61
ar
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

CRM (A) 317 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Naxalbari Police Station Case No. 53 of 2023 dated 13.3.2023 under Sections 186/353/333/332/411/414/34 of the Indian Penal Code.

And

In Re: ***Md. Asherul @ Prabhasu Samin @ Md. Ashirul***
... .. Petitioners

Mr. Dhiraj Lakhotia
Mr. Palash Chowdhury
Mr. Rohit Ray

... .. for the petitioners

Ms. Aditi Shankar Chakraborty, Ld. APP
Mr. Chattu Roy

... .. for the State

Heard the learned Advocates appearing for both the parties.

Learned counsel appearing on behalf of the petitioners submits that the petitioner no. 2 has been arrested during the pendency of this application and he does not want to press this application on his behalf.

It is submitted that the petitioners have been falsely implicated and there has not been any injury caused to any person.

Learned counsel appearing on behalf of the State opposes the prayer for bail and submits that the petitioners on being apprehended fled away and nine cattles have been recovered from their possession and they are involved in a smuggling racket.

Having considered the materials in the case diary, the nature involvement of the petitioner no. 1 in the commission of alleged offence

and no injury is caused to any person, we are of the view that the custodial interrogation of the accused/petitioner no. 1 may not be necessary and the petitioner no. 1 may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner no. 1 be released on bail upon furnishing a bond of Rs.5,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner no. 1 shall meet the Investigating Officer once in a week till the charge-sheet is filed and co-operate with the investigation and on further condition that the petitioner no. 1 shall not leave the jurisdiction without the permission of the jurisdictional court and shall surrender before the court below within four weeks from date and pray for regular bail.

The application for anticipatory bail is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this court.

(Raja Basu Chowdhury, J.)

(Soumen Sen J.)